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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,711	08/23/2001	Arthur A. Renda	10011961-1	1781

7590 09/22/2006

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EXAMINER

POON, KING Y

ART UNIT PAPER NUMBER

2625

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/938,711	Applicant(s) RENDA, ARTHUR A.	
	Examiner King Y. Poon	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-23 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) 29 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-23, 28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 29, 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/19/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Redford et al (US 5,624,265).

Regarding claims 28, 30: Redford teaches a method, comprising: recognizing a compressed audio file (e.g., application file, column 43, lines 60-65, column 43, lines 40-50, column 14, lines 15-20, column 9, lines 14-18); transmitting a key (signal, column 8, lines 40-50) associated with the audio file (the button which associated with the signal, column 8, lines 40-50 are part of the application/audio file) over a network (column 13, lines 1-13); downloading information (desired content, column 50-50) associated with the audio file over the network; printing at least a portion of the information/image associated with the audio file (display, print, column 8, line 50, column 9, lines 43-53).

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redford et al (US 5,624,265) in view of Kikinis (US 5,752,075) and Nishiyama (US 5,604,844).

Regarding claim 19: Redford teaches a method, comprising: retrieving data from a file (computer inherently reads image in a PC card column 8, lines 30-35 from a file, column 4, lines 19-27, column 9, lines 14-21) in a memory of the PC Card that is in an AV predetermined format (column 43, lines 24-48, column 14, lines 15-20, column 40, lines 10-15) with a PC Card reader integrated in a printing device (host 120, fig. 14, note), the file comprising compressed audio data (column 43, lines 40-65, column 14, lines 15-20), assembling a key from the retrieved data (from the retrieved application, key are created to retrieve content from a remote server, column 9, lines 14-20, column 10, lines 1-5, column 8, lines 40-45, column 38, lines 54); downloading information identified by the key; and printing report utilizing the downloaded information (column 9, lines 43-53), wherein after said retrieving said printing is capable of occurring without a user intervention (fig. 8A, display/print occurs after retrieving without user intervention, column 38, lines 50-60).

Note: Although the host 120 of fig. 1E, Redford, is a printing device because it appears to include printer 124E, (column 8, lines 16-27); such observation is not clear in Redford.

Nishiyama, in the same area of computer and printer teaches to combine the host computer and a printer in to a single device to form a printing device (fig. 1) and Kikinis teaches such combination would significantly decrease cost to producers, distributors, retailers, and consumers (column 1, lines 50-55).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Redford to include the printer in the host 120 of Redford in order to significantly decrease cost to producers, distributors, retailers, and consumers.

Regarding claim 20: Redford teaches wherein downloading information further comprises accessing a remote site and determining if the key is matched at the remote server in order to the download the information (since different information is being stored in the remote server (column 8, lines 40-50), the signal (key) generated must match a particular information stored in the remote server such that the desired content can be transmitted by the remote server.

Regarding claim 21: See discussion of claim 19.

Redford further teaches wherein downloading information further comprise accessing a telephone number (column 13, lines 5-13), of a remote access site in the key and utilizing the telephone number to locate and download the information.

Regarding claim 22: Redford teaches wherein downloading information further comprises accessing a universal resource locator (URL) in the key and utilizing the URL to locate and download the information (Internet, column 13, lines 5-10; accessing stored file in a server through Internet inherently using URL).

Regarding claim 23: Redford teaches a computer-readable medium comprising computer-executable instructions to perform a method as recited in Claim 19 (column 8, lines 20-27, IBM PC inherently has computer readable medium storing a program for controlling the computer).

Response to Arguments

6. Applicant's arguments with respect to claims 19-23, 28-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 13, 2006



KING Y. POON
PRIMARY EXAMINER